

Public Reserves Act Amendment.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Application for grant of land below high watermark to be accompanied with written statement, plans, &c., showing proposed use to be made of land. 3. Colonial Secretary may appoint Inspectors under Act to make inquiries. 4. Inspectors may summon witnesses and examine on oath. 5. Penalty for non-attendance or refusing to answer questions. | <ol style="list-style-type: none"> 6. Colonial Secretary may take security for payment of expenses of inquiry. 7. Inspectors to make report. 8. If in opinion of Inspectors grant may be made without prejudice to public good, Governor may make same. 9. Grant to contain statement of purposes for which it is made. 10. Grant shall not authorize construction of wharves, &c. 11. Application of Act. |
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A BILL INTITULED

AN ACT to amend "The Public Reserves Act, 1854." Title.

WHEREAS by "The Public Reserves Act, 1854," hereinafter referred Preamble.
to as "the said Act," it is enacted that the Governor, with the advice of his Executive Council, may grant any land below high watermark in any harbour arm or creek of the sea, or in any navigable river, or on the sea coast either to the Superintendent of the Province in which such land is, or to which it is adjacent, or in such other manner to such persons and upon such terms as shall be thought fit: Provided that every such grant within any Province other than to the Superintendent thereof shall be made in pursuance of a joint recommendation by the Superintendent of such Province and of the Provincial Council thereof: Provided also that nothing in the said Act contained shall prejudice the rights of persons claiming water frontage: And whereas it is expedient that before lands below high watermark are granted under the said Act, inquiry should be made whether such grants may not be prejudiced to the public good or to private interests:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be "The Public Reserves Act Amendment Act, 1873." Short Title.

2. Whenever any application is made for a grant by the Governor under the said Act of lands below high watermark, the Colonial Secretary shall require the applicant to state in writing what use is proposed to be made of the said land, and to deposit in the office of the Colonial Secretary all such statements plans and other documents as the Colonial Secretary may think necessary to explain the purposes for which such land is proposed to be used. Application for grant of land below high watermark to be accompanied with written statement, plans, &c., showing proposed use to be made of land.

3. The Colonial Secretary shall appoint a competent person or persons to be an Inspector or Inspectors for the purpose of inquiring in such manner and at such time or place as the Colonial Secretary shall direct, whether such grant can be made without prejudice to public good and private interests, and also whether the purposes for which such land is proposed to be used can be effected in the mode proposed by the applicant without such prejudice as aforesaid, and generally for inquiring into all such matters relating to such land and such proposed use as the Colonial Secretary shall direct. Colonial Secretary may appoint Inspectors under Act to make inquiries.

4. For the purpose of such inquiry the Inspector or Inspectors may, by summons under his or their hands, summon before him or them any person having the custody of any map survey book or document to produce such map survey book or document for his or their inspection; and the said Inspector or Inspectors may summon in manner aforesaid any other person whose evidence shall, in the judgment of the said Inspector or Inspectors, be material to his or their inquiries, and pay or allow to every such person so summoned by him or them the reasonable charges of his attendance; and the said Inspector or Inspectors shall also have power to administer an oath to all persons Inspectors may summon witnesses and examine on oath.

Penalty for non-attendance or refusing to answer questions.

5. Any person being summoned by such Inspector or Inspectors who, after the delivery to him of such summons as aforesaid, or a copy thereof, shall wilfully neglect or refuse to attend in pursuance of such summons, or to produce such maps surveys books or other documents as he may be required to produce under the provisions hereinbefore contained, or to answer upon oath, or otherwise, such questions as may be put to him by such Inspector or Inspectors under the powers herein contained, shall be liable to forfeit and pay a penalty not exceeding five pounds, which may be recovered before any two or more Justices having jurisdiction within the place wherein such inquiry shall be held; and such penalty shall be paid to the Consolidated Fund: Provided that no person other than the applicant for the grant, or his agent, shall be required to attend in obedience to any summons unless the reasonable charges of his attendance be paid or tendered to him, nor to travel in obedience thereto more than ten miles from his usual place of abode.

Colonial Secretary may take security for payment of expenses of inquiry.

6. Before instituting any such inquiry, the Colonial Secretary may, if he thinks fit, acquire and take such security for the payment of the whole or any part of the costs charges and expenses to be incurred by the Colonial Secretary in respect of such inquiry (including the remuneration of the Inspectors) as to him shall seem fit; and whenever any such security is given, the costs charges and expenses in respect whereof it is given shall, to such amount as shall be certified by the Colonial Secretary (not exceeding the extent or amount of such security), be a debt due to Her Majesty from the person or persons respectively by whom the same is entered into.

Inspectors to make report.

7. The Inspector or Inspectors who shall have made any such inquiry as aforesaid shall report the result thereof in writing to the Colonial Secretary, together with the evidence taken, and his or their opinion on the matters referred for inquiry; and a copy of every such report, with the evidence, and the opinion of the Inspector or Inspectors, shall, by the Colonial Secretary, be laid before each House of the General Assembly within seven days after the receipt thereof, if the Assembly be then in Session, if not, then within fourteen days after the commencement of the then next Session of the General Assembly.

If in opinion of Inspectors grant may be made without prejudice to public good, Governor to make same.

8. If, in the opinion of such Inspector or Inspectors, or the majority of such Inspectors when more than two have been appointed, such grant may be made without prejudice to the public good or any private interests, then it shall be lawful for the Governor, if he shall think fit, to make the grant applied for, otherwise such grant shall not be made except under an Act of the General Assembly specially passed for the purpose of authorizing such grant.

Grant to contain statement of purposes for which it is made.

9. Whenever any grant of any land below high watermark shall hereafter be made, the purpose or purposes for which the same may be used shall be stated therein, and such land when granted shall be used for none other; and if the same be used or attempted to be used for any other purpose than shall be authorized by the terms of the grant or by any Act of the General Assembly expressly authorizing such use, the said grant shall be void, and the Colonial Secretary shall direct the Attorney-General to take proceedings by way of *scire facias* in the Supreme Court, for cancelling such grant.

Grant shall not authorize construction of wharves, &c.

10. Notwithstanding anything herein contained, a Crown grant of land below high watermark shall not be deemed to authorize the grantee, his heirs or assigns, to reclaim the same, or to construct thereon any wharf quay railway tramway embankment or other work of any kind whatsoever affecting the navigation of any harbour port or tidal water, unless such reclamation thereof or construction thereon shall have been authorized by some Act of the General Assembly expressly passed for the purpose.

Application of Act.

11. This Act shall apply not only to grants of land applied for by, and grants to private persons Companies and Corporations but also to